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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,263	12/16/2004	Wolfgang Johannes Obermann	AT 020038	6690
24737	7590	03/02/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/518,263

**Applicant(s)**OBERMANN, WOLFGANG  
JOHANNES**Examiner**

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/13/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### *Specification*

1. The abstract of the disclosure is objected to because it is written in a form of a claim language. In fact, it appears that the abstract is almost a copy of claim 1. Correction is required. In addition, the abstract should be presented on a separate page. Complete revision of the content of the abstract is required on a separate sheet. See MPEP § 608.01(b).

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Objections*

2. Claim 1-3 are objected to because of the following informalities: with respect to claim 1, transitional phrase "with" is not commonly used in US practice. It is suggested that the transition phrase "with" to be replace with another transitional phrase such as "comprising." Regarding claim 2, "which section (35)" should be --which said section (35)--. Regarding claim 3, "suction direction (31)" should be --said suction direction (31)--.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Regarding claim 1, “bonding a suction opening (30) through which air can be drawn into the suction channel 21” is confusing. It is not clear what “bond a suction opening (30)” means. It is not clear what is bounded to the suction opening or where the suction opening is bounded. Regarding claim 2, “which section (35) being more able in relation to other channel walls” is not clear. It is not clear what “being more able” means. It is not clear what is the difference between the section 35 and the other channel walls. Regarding claim 3, “during the interaction with the hair to be cut, being more able counter to the force of spring means (37)” is not clear. It is not clear what counters the force of the spring means and how is it compare to other parts of the suction means.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Bray (2,46,123). Regarding claim 1, Bray teaches a hair clipper apparatus including a cutting device 21 for cutting hair and a suction device 15, 16 for drawing off cut pieces of hair. Bray also teaches that the suction device 15, 16 is equipped with a suction channel 21 and is bounded with channel walls, and at least some of the channel walls extent into vicinity of the cutting device 21. Bray also teaches a suction opening 18 through which air can be drawn into the suction channel 16 in one direction at a specific flow rate. Bray also teaches that the suction device 15, 16 includes is equipped with varier means 19, 20 for

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varying the flow rate in the area of the suction opening. See Figs. 1-5 and col. 1, lines 50-72 and claims 2, lines 1-59 in Bray.

Regarding claim 2, Bray teaches everything noted above including that the varier means 19, 20 includes a section 19 of the channel wall which the section 19 bounds the suction opening 18 and which moves relative to other channel walls. See Fig. 1 in Bray.

7. Claims 1-3, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Severson (1,506,139). Regarding claim 1, Severson teaches hair clipper apparatus including a cutting device 12, 16 for cutting hair and a suction device 9, 10, 37 for drawing off cut pieces of hair. It should be noted that the tube 10, which is connected to a electric motor, vacuum chamber 9 and guard or hood 37 that direct the hair into the vacuum chamber 9 are considered to be a suction device. Severson also teaches that the suction device 9, 10, 37 is equipped with a suction channel 9 and is bounded with channel walls, and at least some of the channel walls extent into vicinity of the cutting device 12, 16. Severson also teaches a suction opening 15 through which air can be drawn into the suction channel 9 in one direction at a specific flow rate. Severson also teaches that the suction device 9, 10, 37 includes is equipped with varier means 37, 40 for varying the flow rate in the area of the suction opening. It should be noted that spring 40 and the hood 37 are considered to be a varier means. See Figs. 1-3 and page 2, lines 6-115 in Severson.

Regarding claim 2, Severson teaches everything noted above including that the varier means 37, 40 includes a section 37 of the channel wall which the section 37 bounds the suction opening and which moves relative to other channel walls. It should be noted that the hood 37 is part of the upper portion of the upper channel wall of the vacuum chamber 9. The

hood 37 is considered to be a section that moves relative to the other channel walls. See Fig. 1 in Severson.

Regarding claim 3, as best understood, Severson teaches everything noted above including that the varier means 37, 40 is equipped with spring means 40 interacting with the section 37 of the channel wall. Severson also teaches that the spring means 37 spring loads the section 37 counter to the suction direction 31. Severson also teaches that the section 37 is designed and disposed to interact with the hair to be cut and during the interaction with the hair to cut.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Severson in view of Woodward (2,496,613).

Regarding claim 4, Severson teaches everything noted above except that the spring means 40 is in the form of a rod-type spring. However, the use of rod-type spring for biasing a cover or a wall member in a hand tools is well known in the art such as taught by Woodward. Woodward teaches a spring 24 connected between a frame or wall 4 and a lower portion 21 of a guard for biasing the guard to its extended position. See Figs. 1-3 and col. 3, lines 7-60 in Woodward. It would have been obvious to a person of ordinary skill in the art to

replace the spring means 40 in Severson's hair clipper with a rod-type spring, as taught by Woodward, since the rod-type spring in Woodward functions the same as the tension spring in Severson and in both cases the spring forces the cover or the wall portion to its extended position.

Regarding claim 5, Severson, as modified by Woodward, does not teach expressly that the rod-type spring force lies in a range between 10 mN and 50 mN. However, it appears that the tension force required to extend section member 37 to its extended position is between 10 mN to 50 mN. In addition, it would have been obvious to a person of ordinary skill in the art to provide a tension force between 10 mN to 50 mN for the spring in Severson's hair clipper, as modified above, since it is within a person of ordinary skill in the art to choose a specific spring force value that is suitable for biasing a wall member toward a frame.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zucker (3,302,286), Emmett (5,153,994), Wilson (2,929,140), Walkins (2,914,849 and 2,807,086), Gaskins (2,946,122), Jenkins (2,323,046), and Koiwa et al. (4,030,196) teach a hair clipper having a suction means.

Bettacchini et al. (6,415,699) and Burrows et al. (3,447,577) teach a spring means biasing a cover to its extended position.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).



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February 22, 2006